

**Notice of Allowability**

Application No.

09/859,650

Examiner

Jon P Weber, Ph.D.

Applicant(s)

ALLBRITTON ET AL.

Art Unit

1651

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 18 July 2003.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 10/9/01 (1-12) and 17/5/01 (13) are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____    |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment         |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9 <input type="checkbox"/> Other   |

***Status of the Claims***

The response with amendments filed 18 July 2003 has been received and entered. Claims 1-20 have now been presented for examination.

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Dawes on 01 October 2003.

The application has been amended as follows:

**IN THE CLAIMS:**

In claim 1, at line 3, before "substrate" insert -- labeled --; at line 4, delete "containing a label"; at line 13, replace "the single cell" with -- said cell or cells --; and at line 18, replace "modified" with -- altered --.

Replace claim 2 as follows:

2. A method for measuring and quantifying the presence of oncogenic activity of intracellular chemical reactions in a cell or cells comprising:

providing labeled substrate for at least one oncoprotein, the labeled substrate molecules corresponding to chemical reactions whose activity is to be measured;

providing for the presence of said substrate molecules within said cell or cells;

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allowing said substrate molecules within said cell or cells to take part in the chemical reaction to produce altered substrate molecules;

liberating said substrate molecules and said altered substrate molecules from the cell or cells;

detecting the label to distinguishably identify the substrate molecules and/or altered substrate molecules from said cell or cells; and

quantifying the amounts of detected altered substrate molecules and/or detected unaltered substrate molecules to determine the presence and amount of said chemical reaction.

In claim 3, at line 2, replace "comprises" with -- is --; at lines 2-3, delete "to alter the chemical structure of the substrate molecules".

In claim 7, at line 1, replace "claim 1" with -- claims 1 or 2 --; and at line 2, delete "unaltered".

In claim 8, at line 1, delete "unaltered".

In claim 9, at line 3, delete "unaltered".

In claim 10, at lines 2 and 3, delete "unaltered".

In claim 11, at line 1, delete "unaltered"; and at lines 3 and 4 delete "single".

In claim 12, at line 3, delete "characterizing".

Claims 1-20 are allowed.

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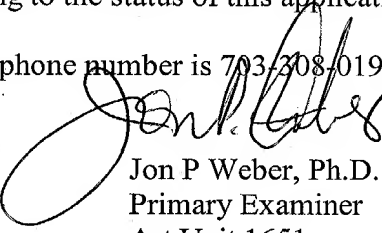
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon P Weber, Ph.D. whose telephone number is 703-308-4015.

The examiner can normally be reached on daily, off 1st Fri, 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn can be reached on 703-308-4743. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.



Jon P Weber, Ph.D.  
Primary Examiner  
Art Unit 1651

JPW